

MEMO ENDORSED



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September 2, 2022

VIA ECF

Hon. Andrew L. Carter, Jr.
District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *B.M. v. New York City Department of Education*, 22-CV-4655 (ALC)(JW)

Dear Judge Carter:

I am a Special Assistant Corporation Counsel in the office of the Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, counsel for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs, and expenses for legal services regarding an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.* ("IDEA"), as well as for this action.

I write to respectfully request a 90-day stay of this action until December 1, 2022. Plaintiff consents to this request and has agreed to provide the needed attorney billing records no later than September 23, 2022. (Defendant's deadline to respond to the Complaint is currently September 27, 2022). On July 1, 2022, the Court granted Defendant's first request for an extension and an adjournment of the initial conference in this action (ECF No. 6). We note that, while this is an IDEA fees-only case and liability is not at issue, without the relevant billing, Defendant cannot begin its internal settlement review process, which includes seeking settlement authority from the New York City Comptroller's Office after a review of the underlying administrative record together with the relevant billing records. The parties hope to resolve this case without the need for conferences, discovery, or motion practice. Defendant has successfully settled all of the many IDEA fees-only cases brought by Plaintiff's counsel in recent years without burdening the Court with any motion practice (with the exception of one case), and we expect that this case will take that same course.

Defendant also respectfully proposes that, if a stay is granted, the parties be required to submit a joint status letter regarding settlement negotiations on or before December 1, 2022.

Thank you for considering the requests set forth above.

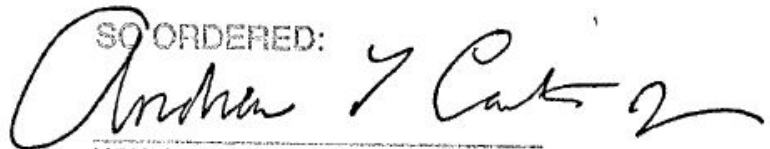
Respectfully submitted,



Pasquale Viscusi, Esq. (PV 8588)
Special Assistant Corporation Counsel

cc: Irina Roller, Esq. (via ECF)

Defendants' application for a 90 day stay is **GRANTED**. The parties are ordered to submit a joint status letter regarding the status of settlement negotiations on or before December 1, 2022.



HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

Dated: Sept. 6, 2022